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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-eighth session

SUMMARY RECORD OF THE 724th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 25 September 2001, at 3 p.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Mauritania (continued) (CRC/C/8/Add.42; HRI/CORE/1/Add.112; CRC/C/Q/MAU/1; written replies of the Government of Mauritania to the questions in the list of issues (document without a symbol distributed in the meeting room in English and French))

1. At the invitation of the Chairperson, the members of the delegation of Mauritania resumed places at the Committee table.

2. The CHAIRPERSON invited Committee members to put questions to the delegation under the heading "General principles".

3. Ms. CHUTIKUL asked whether compulsory education was to be introduced in 2010, as one source had stated, or whether it was already in effect. She also wondered whether Mauritanian nationality was automatically conferred upon a child born to a Mauritanian woman and a father of foreign nationality.

4. Ms. KARP asked for confirmation of the age of criminal responsibility in Mauritania. Although the report had indicated gradual improvement of children's participation in the home, certain traditions still appeared to work against full participation. In cases of divorce or adoption, were courts obliged to hear all children or only children of a certain age? It would also be interesting to know whether judges actually exercised their obligation to hear children and, if not, whether the Government envisaged taking steps to ensure that they did.

5. She asked how the Government had prepared for the recent World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and what programmes and legislation it intended to introduce in the wake of the Conference. Concerning "General principles" specifically, she asked whether the Convention's provisions were invoked in the courts, including by non-governmental organizations (NGOs) and other similar groups, and whether they were used as a basis for court decisions.

6. There was conflicting information as to whether slavery still existed in the State party, which no doubt depended on the definition of slavery being used. However, there appeared to be regions where people worked without being remunerated; had that situation been investigated?

7. Ms. TIGERSTEDT-TÄHTELÄ said she welcomed the agreement signed between the State party and the Office of the United Nations High Commissioner for Human Rights (OHCHR), aimed in particular at redressing the imbalance in income distribution. However, in view of the persistent high levels of poverty in the country, she wondered what further steps the Government intended to take. In that connection, she would like to know what fiscal policies were in place and whether they would have to be amended in order to improve income distribution. Did the Government intend to introduce specific policies on behalf of other disadvantaged groups, besides the poor?

8. What was the per capita Gross Domestic Product (GDP), as conflicting information seemed to be provided? She welcomed the establishment of local children's councils and asked for more details about their mandate and activities, in particular whether members were elected by children or appointed by parents or schools.

9. According to paragraph 47 of the report, tradition continued to carry much weight, particularly respect for one's parents and the elderly. It appeared that, although children played a bigger role in the family and in society, their views were still not sought. However, she did not believe that engaging in lively dialogue with their children necessarily caused parents to lose respect.

10. Mr. CITARELLA stressed the importance of statistical data for assessing the situation of children in the State party. In view of the decrease in the education budget cited in the written replies, how had the improvement in primary and secondary schools, especially the interests of girls, been achieved? Notwithstanding progress made in the area of birth registration, failure to register births and delayed registrations were still high, and should be addressed in the medium and long term. Non-registration of births also had serious implications for military recruitment.

11. Ms. MINT HEDDEID (Mauritania), replying to the question relating to treatment of disabled children, said that the 2001 report of the National Council for Children had been dedicated to the issue of disabled children. Relevant programmes had been launched with special emphasis on assistance for the mentally disabled, notably the Programme for the Community-based Rehabilitation of the Disabled. A social action plan for the disabled, especially disabled children, had been drafted in 2000 and would soon be put into effect.

12. The Government was aware of the disparities between girls and boys in the school system and of the adverse effect of early marriage on girls' educational opportunities; the problem was exacerbated, especially in the rural areas, by distance from school and the practice of keeping girls at home to assist with domestic chores. In that connection, the Government had set up a system of "mères éducatrices" (teaching mothers) throughout the country, to encourage school attendance by girls and combat the problem of early marriage. In an attempt to promote equal opportunity for girls and boys the Secretariat of State for the Status of Women, in cooperation with the Ministry of National Education, had opened boarding schools for girls in the regional capitals. At annual prize-giving ceremonies, prizes were awarded to female students at all levels of the education system for excellence in science by the Prime Minister himself, which attested to the importance attached to girls' education. Similar activities had been set up at the regional level and presided over by the governors. She noted that Mauritania had one of the highest school attendance rates for girls in the subregion. Special radio programmes existed for children, where they could air their views and ask questions, and the Government intended to increase and improve such forums.

13. With increasing urbanization and westernization, the practice of "gavage" (force-feeding) was disappearing and the Secretariat of State for the Status of Women was making efforts to combat the problem of obesity, especially among women, due to the practice. Female genital mutilation (FGM) was a tradition in the State party, but it was not widespread and was only practised in certain areas. The awareness-raising programmes launched in that connection had helped to reduce the trend. However, FGM was more a cultural than a religious phenomenon.

Certain attitudes that might be thought to emanate from the Muslim religion in fact were in total contradiction of it, and the awareness-raising programmes emphasized that fact. It was hoped that the joint efforts of civil society and the Government would eventually eradicate FGM.

14. Replying to a question by Ms. Ouedraogo, she explained that both the Organization for African Unity and the Arab League had proposed dates to be observed as national children's days. On both days activities were planned around all Mauritanian children, regardless of origin. The days served to raise the people's awareness of children's issues and to disseminate the Convention on the Rights of the Child. In fact, the Government was considering declaring the anniversary of Mauritania's ratification of the Convention to be National Children's Day.

15. Where conferral of nationality was concerned, Mauritanian legislation was clear: children born to Mauritanian women on Mauritanian soil automatically received Mauritanian nationality, regardless of the nationality of the father. Children born out of wedlock were given a name, although not the mother's name. If the identity of the father was unknown, the State provided the child with a name. In order to correct flaws in the registration system, a Secretariat of State for Civil Registration had been set up and had conducted a census with the aim of verifying civil status data and improving the reliability of the data collection system. Assistant registrars had been established in each community, including those in the rural areas; they were responsible for registering marriages and divorces, in addition to births. Those initiatives should help counteract problems associated with non-registration and late registration of births.

16. Concerning respect for the views of the child, it was an African tradition to defer to older persons for their wisdom and knowledge. However, society was becoming increasingly aware of the need to listen to the views of children as a result of dissemination of the Convention. Replying to a question on compulsory education, she said that a law on the subject had been enacted in 2001, with immediate effect, making education compulsory between ages 6 and 14.

17. Slavery had long been abolished in the State party. To her knowledge, there were no cases of unremunerated work in Mauritania and the Committee would do well to verify its sources of information. All the development programmes the Government had instituted were to the benefit of all citizens of Mauritania.

18. She was surprised at reports that Mauritanian children had been deprived of their nationality; she believed they must be based on erroneous information. The law explicitly stated that no child of Mauritanian origin born in Mauritania could be deprived of his or her nationality. After the events of 1989 and the subsequent deportation of large numbers of people from both Mauritania and a neighbouring State, the conflict had been resolved and there had been a massive return home of the citizens of both countries. If certain families originally from Mauritania preferred to stay in another country, that did not indicate a refusal on the part of the Mauritanian Government to recognize their citizenship.

19. Children under the age of 12 had no criminal responsibility. From 12 to 16 they could be acquitted if, in the opinion of the judge, they had acted without due discernment. In the case of minors between the ages of 16 and 18 reduced sentences were applied. No distinction was made between the regions of the country in implementing development programmes. Like the rest of Mauritania, the south was inhabited by a mixed population rather than a single ethnic group.

The blend of ethnicities was a sign of Mauritania's vibrancy, solidarity and cohesion. The assertion that favourable treatment had been given to certain regions because of their ethnic composition was perplexing and untrue. The Committee could verify that by asking Mauritania's development partners

20. Mr. OULD MOHAMED LEMINE (Mauritania) said that the annual per capita gross national product (GNP) was about $480. The agreement between the Government and OHCHR addressed only technical cooperation in the field of human rights. The main government programme to improve income distribution was the anti-poverty programme, which enlisted the support of the country's development partners and targeted the most disadvantaged groups, including those in rural areas and shantytowns. That programme relied heavily on spreading knowledge, in particular through compulsory education, and on power sharing through the democratization process.

21. After participating in the Dakar regional conference organized in preparation for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Government had held a feedback day for dialogue with the population on the questions covered. During the World Conference itself, the international community had recognized a major concern of the African States, that of past injustices, and had committed itself to assisting those countries in their development efforts.

22. A member of the Committee had cited the concluding observations of the Committee on the Elimination of Racial Discrimination. In fact, that Committee had not affirmed that slavery existed or that any regions were excluded from government programmes, but had merely referred to allegations according to which the black community was subjected to discrimination and noted that vestiges of practices of slavery and involuntary servitude could persist despite the State party's efforts to eradicate them. The Government had responded to those concluding observations with a statement to the effect that there were no vulnerable ethnic groups in Mauritania, but rather disadvantaged and vulnerable groups among all four major ethnicities, each of which had developed similar social structures. Mauritanian society had never known servitude, exclusion or discrimination, either in the pre-colonial or colonial period or since independence, and no vestiges of such practices could thus persist. Mauritania had been singled out for such questions because of its racial composition which happened to include Arabs and black Africans. However, forced labour and servitude had not been tolerated, in either the country's legal tradition or in practice.

23. The southern part of the country had the most fishing, mining and agricultural resources and attracted about one third of public and private investment. If there were any government favouritism of other regions, the press, which was free in Mauritania, would not fail to report it and the Government would be held accountable in general elections. The Office of the United Nations High Commissioner for Refugees (UNHCR) had terminated its programmes for refugees who had fled following the 1989 events, considering them no longer to be at risk if they returned to their homes.

24. Mr. OULD BEBANA (Mauritania) said that minors could be heard in court in criminal cases only if their lawyers were present. In civil and commercial cases, children must be heard in the presence of their parents or guardians.

25. Ms. MINT HEDDEID (Mauritania) said that the members of the municipal councils for children were elected by schoolchildren. Such councils had been established only in the regional capitals and Nouakchott as yet, but there were plans to extend them to other regions. Military service was voluntary and was limited to persons who had reached the age of majority.

26. Mr. AL-SHEDDI, while welcoming the fact that basic education was free and compulsory, asked whether all children were enrolled. There had been reports according to which the enrolment rate varied from 50 to 60 per cent, with an even lower rate among girls and particularly difficult access to educational facilities in some rural areas. The Committee would be interested to learn about the Government's efforts to increase enrolment and reduce the drop-out rate. The delegation could also describe cooperation programmes carried out with international organizations such as the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Development Programme (UNDP).

27. Ms. AL-THANI requested information on the prevalence of child abuse in Mauritania, and asked what measures the Government was taking to ensure the protection of children who were in danger in their family environments. Were such children removed, and if so, were they placed with other family members? While commending the Government for its success in nearly eradicating polio, she noted that the budget for medical care had risen only very slightly in the past three years. Was the Government taking steps to increase appropriations, for example for diphtheria and tetanus immunizations and for staff, equipment, medicines and consumables? Noting that a very low proportion of women gave birth in hospitals, she asked whether that reflected a lack of access to medical care or simply a preference for home delivery.

28. Ms. CHUTIKUL, noting that the written replies referred to surveys and studies carried out on the status of "Talibé" children, asked about results and follow-up. How did the Government deal with HIV/AIDS and other sexually transmitted diseases among the teenage population? Lastly, a large proportion of female domestic workers were reportedly very young, and many received no remuneration, were paid indirectly through their parents or earned as little as four dollars per month. Could the delegation offer any comments?

29. Ms. OUEDRAOGO asked whether there was any censorship body in Mauritania to monitor broadcasts, movies and video viewing establishments in order to protect children from harmful programming involving pornography, violence or horror films. The proportion of female heads of household was nearly double the average in Africa. Had the Government drawn up a policy to strengthen the family unit? The Committee would be interested in hearing the delegation's views as to why the proportion was so high.

30. She would appreciate any insights into why the abortion rate was so high; abortion appeared to be used in Mauritania as a form of contraception. The breastfeeding rate was also unsatisfactory; did the Government have a policy to promote it and to encourage women not to wean their children too early? She understood that a code on the use of infant formula was under consideration and wished to know whether it had been adopted. With regard to harmful practices, she wondered whether the Government had taken part in any subregional initiatives to put an end to the practice of female circumcision.

31. Mass migration to the cities in Mauritania brought with it problems relating to housing, water quality, nutrition and health care; she assumed that the Government's development programme addressed those problems. Was anything being done to prevent children from foraging among rubbish?

32. She welcomed the steps taken to combat drug abuse by children, but would welcome more precise information on the extent of the problem and the form of treatment provided.

33. Ms. KARP said it was unclear what the Government's position was on corporal punishment, discrimination and racism, or what effect adopting Arabic as the language of instruction in schools would have on children's right to enjoy their own culture and use their mother tongue.

34. With regard to the child's right to be heard, she was concerned that the courts could rule on custody in divorce cases or on the removal of a child from the country by a foreign parent without consulting the child. She wondered how the best interests of the child could be served when children were adopted, and orphans entrusted to relatives, without prior examination of the social and economic situation of the adoptive parents or relatives. With regard to the family environment, she was concerned that custody of children was always awarded to the mother provided that she was living in an Islamic environment. What happened in the case of non-Muslims? More information on the prevalence of polygamy and its effects on children would also be welcome.

35. On the question of children in conflict with the law, the figures provided to the Committee suggested that imprisonment was practically the only sentence handed down by the courts. What were the alternatives to prison and what was the status of the proposed legislation on the subject? Young offenders were at a critical point in their lives, and imprisonment was not the answer to the problems of juvenile delinquency.

36. She would like to know whether the problem of bullying in schools had been studied and whether any measures had been taken to prevent it. What action was taken to prevent violence by teachers against children, and were children encouraged to report cases of violence, including corporal punishment, and sexual abuse?

37. However strong a country's moral base, the sexual exploitation of children for commercial purposes occurred almost everywhere. She would like to know whether Mauritania had been represented at the first World Congress against Commercial Sexual Exploitation of Children and whether the Government had investigated the problem and planned any measures to combat the practice.

38. Ms. AL-THANI said she would appreciate a reaction to reports of trafficking in children from Mauritania to take part in camel races in the Gulf States.

39. The CHAIRPERSON, speaking as a member of the Committee, noted that according to paragraph 311 of Mauritania's initial report (CRC/C/8/Add.42), article 285 of the Criminal Code permitted the sentencing of children to life imprisonment. Even if that provision was never

invoked, it should surely be deleted. The report mentioned that the Government was in the process of revising the Labour Code but did not mention any specific programme to address the problem of child labour, nor the possibility of seeking International Labour Organization (ILO) assistance to deal with the serious problem of domestic servants. Any further information on those issues would be welcome.

The meeting was suspended at 4.45 p.m. and resumed at 5 p.m.

40. Mr. OULD BEBANA (Mauritania) said that there had indeed been a case of attempted trafficking of a Mauritanian child to the Gulf States, but the person responsible had been arrested by the Malian authorities, the child returned to his parents and the parents prosecuted under Mauritanian law. In reply to the Chairperson's question on prison sentences for children, he said that it was in fact impossible to sentence a child to life imprisonment in Mauritania; article 61 of the Criminal Code stated that if a child acting with due discernment was sentenced to death or to hard labour for life, the sentence must be commuted to no more than 20 years' imprisonment, and judges had the discretion to reduce the sentence further. Moreover, juvenile delinquency was largely confined to Nouakchott, and even there it was very limited, especially in the case of girls, and most of the children taken to court were repeat offenders. Judges also had the discretion to place children in semi-open detention centres or rehabilitation centres for children.

41. Ms. KARP said that the fact remained that 98 per cent of the children convicted of a crime were sent to prison.

42. Mr. OULD BEBANA (Mauritania) said that imprisonment was only one of several options available to judges, which also included placement with guardians or associations, and that the figures provided were for Nouakchott and were not necessarily typical of the rest of the country.

43. Mr. OULD MOHAMED LEMINE (Mauritania) acknowledged that some regions of Mauritania were less advantaged than others; the south was more heavily populated and problems tended to be exacerbated there. He reassured Ms. Ouedraogo that, as far as slavery was concerned, the courts would deal with any cases identified. Generally speaking, the only way to eradicate the vestiges of the past was to insist on the rule of law and promote economic progress.

44. Mauritania had comprehensive legislation against racism and all forms of discrimination. The Constitution prohibited all forms of discrimination and racial propaganda and the Criminal Code and the Labour Code also contained provisions to punish and combat discrimination. His Government believed that the root causes of racism and discrimination lay in social and economic deprivation and was focusing its efforts on improving the country's socio-economic situation.

45. With regard to the use of Arabic as the language of instruction, he pointed out that Arabic was one of the country's four official languages and was the language of the majority of Mauritanians and the language of the religion of all Mauritanians. It would not be replacing the national languages in schools, but a foreign language, French. Indeed, Mauritania was ahead of

its neighbours in its approach to languages, having set up a special institute and government department to promote the use of the other three national languages and transcribe them in the Latin alphabet. At the same time, both French and English were taught as foreign languages.

46. In reply to the Chairperson's comment on cooperation with ILO, he said that Mauritania's recent ratification of the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) might well open up the way to closer cooperation.

47. Ms. MINT HEDDEID (Mauritania) said that the Government's measures to raise school enrolment rates, which were currently about 90 per cent, centred on recruiting more teachers in order to reduce class sizes and ensure that its educational reforms were effective. Special measures were being taken to reduce the disparity between the enrolment rates for boys and girls, including the establishment of associations of "mères éducatrices" (teaching mothers) and awareness-raising campaigns. She agreed that the drop-out rate was too high, but she was confident that steps to make education compulsory and prevent children from working would improve the situation. The location of schools depended very much on the population density in a particular region, and it was especially difficult to provide schools that were conveniently located for nomadic or semi-nomadic children, though efforts were made to locate them near oases. UNDP and the other United Nations agencies in Mauritania were cooperating in a programme specifically aimed at educating teenage girls; one initiative had been to set up boarding schools for girls to encourage parents to send their daughters to school.

48. In reply to the question on child abuse, she said that the draft Criminal Code for Minors established penalties for all kinds of abuse of children, including sexual abuse, child labour, invasion of privacy and the abandonment of children.

49. As for improving the health system, the budget of the Ministry of Health had been steadily rising for a decade despite the constraints of a structural adjustment programme and external debt. Polio had almost been eradicated, and health would continue to receive high priority in the overall programme to combat poverty.

50. Home births were still common, particularly in rural areas, because of tradition and the lack of access to maternal health care. For this reason, the Ministry of Health and Social Affairs had taken measures to retrain traditional midwives in some villages. An awareness-raising campaign was under way, however, to discourage women from having home births, and efforts were being made to improve access to health units in rural areas.

51. She expressed concern for the roaming "talibé" children, who were from the Muslim religious schools and spent much of their time in the streets. The Ministry of Health and Social Affairs had carried out a survey to find out more about their situation and measures were being taken to send them to regular schools.

52. Replying to a question about HIV/AIDS, she acknowledged that the issue had to be addressed, despite the fact that the percentage of people suffering from the pandemic in Mauritania was relatively low. She hoped that advice and information would soon be provided

in schools and that children would be encouraged to discuss the issue so that it would not become taboo. The Government had organized several awareness-raising days and seminars involving children, particularly girls, but it was true that more had to be done.

53. On the subject of girl domestic workers, she agreed with the Committee that the girls should be remunerated. Girls were often sent by their families to work in the towns because of extreme poverty. The Government had opened some centres, however, to provide professional training for those girls who wished to leave domestic employment.

54. Replying to a question about censorship, she said that a commission had been set up to monitor cinemas; it was empowered to close down those which screened pornographic films or films promoting delinquent behaviour.

55. She acknowledged that the percentage of female-headed households was very high. Those heads of household were widows, divorcees or the wives of men who had gone away to seek work. The Secretariat of State for the Status of Women had set up various programmes to help poor families, including a joint project with UNICEF providing micro-credit to female heads of household. The results of the project had so far been very satisfactory.

56. The Ministry of Health and Social Affairs had introduced a national programme to promote breastfeeding, and steps were being taken to introduce legislation to regulate the marketing of breast milk substitutes.

57. It was true that harmful practices such as force-feeding and genital mutilation continued to take place, but she assured the Committee that such traditions were dying out.

58. The Secretariat of State for the Status of Women was in the process of implementing a five-year pilot scheme in four wilayas (regions) as well as in Nouakchott, funded by the World Bank. The programme aimed to provide information about the prevention and treatment of malnutrition and targeted pregnant women, breastfeeding mothers and children under three years old.

59. Corporal punishment in schools was prohibited by law.

60. In answer to a question about the repercussions of polygamy on children, she said that polygamy was a traditional practice that was accepted by law in Mauritania but was not widespread, and was, in fact, in decline. In some ethnic groups the practice did not exist at all. It was recognized that it could have negative effects on children, especially those who did not live in a polygamous community, but it was also true that in many cases the children lived in harmony and the wives were friends.

61. A law had recently been adopted which made it very clear that following a divorce, women were automatically given custody of the children. If the mother was unable to accept custody, the maternal grandmother or aunt would be favoured over the father. That law was based on traditional family roles.

62. With regard to bullying and sexual abuse in schools, a programme had been introduced to raise teacher and parent awareness of the issue and to encourage children to talk about it. Fortunately, there was no evidence to suggest that it was a problem in Mauritania.

63. Another issue that had been raised was the trafficking of children. At a subregional conference in 1999, it had been acknowledged that trafficking of children did not take place in Mauritania. However, cases had been reported of parents sending their own children to the Gulf countries, and the parents in question had been arrested. The Government would remain vigilant with regard to the issue.

64. Replying to a question about drug abuse, she referred to the information provided in the initial report. It was a problem that had only recently started to emerge in Mauritania and called for vigilance. A special police unit was dedicated to the campaign against drugs.

65. Mr. OULD MOHAMED YAHYA (Mauritania) said that the Government set sustainable improvement in living conditions as one of its main goals and had implemented a number of measures to that effect. An urban development agency had recently been created in Nouakchott to address the recent phenomenon of large-scale urbanization, which was placing increasing pressure on the infrastructure. The aim was to improve the roads, health facilities, schools and means of communication and also to protect the environment. Similar projects would take place in other towns.

66. The Government was endeavouring to ensure that the whole population benefited from basic services such as water and electricity supply and telecommunications, whether in rural or urban areas.

67. The CHAIRPERSON, referring to the comments made about women automatically being granted custody of the children, said that in his experience as a judge he had seen cases where it was preferable for the father to be given custody over other family members. He invited Ms. Al-Thani to make preliminary concluding observations.

68. Ms. AL-THANI reiterated the Committee's concern about Mauritania's reservation to the Convention, which included any provisions that were not in conformity with Islamic law. She encouraged the State party to withdraw the reservation.

69. The new legislation being introduced in Mauritania was a welcome development but she hoped that it would be in conformity with the Convention. It was clear that there was a strong commitment from the State party to improving living conditions for children, despite geographical, financial or educational difficulties. She urged the State party to continue its efforts.

70. Budgetary allocations were a major concern. It was essential that the budget should be channelled into the areas where poverty could be alleviated, namely health and education.

71. Efforts were obviously being made to educate the population about the Convention, but the Government needed to focus more on children and the public as a whole rather than specific groups of professionals. The text of the Convention should be disseminated in schools.

72. Far from being too ambitious, the goals of the National Plan of Action were very reasonable considering, for example, Mauritania's high mortality rates and low immunization rates. It was essential to determine why some of the goals had not been achieved and decide whether to continue with the National Plan of Action or launch a new one in order to improve basic indicators such as school enrolment. Although there had been some progress regarding birth registration, further improvements could be made.

73. Lack of statistical facts and figures was an issue of concern. Without detailed statistical analysis, it was difficult to identify problems, propose solutions and assess progress.

74. Although there was a law prohibiting corporal punishment, further details would be appreciated about the procedures that were undertaken to protect children who were subjected to such abuse. How were the children identified, for example? What sort of procedure would the child have to go through? A step-by-step approach was needed so that all professionals would know how to proceed.

The meeting rose at 6 p.m.